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OFFICE OF PETITIONS

In re Application of	:	
Sutardja, Sehat	:	
Application No. 10/691,237	:	ON PETITION
Filed: October 22, 2003	:	
Attorney Docket No. MP0320	:	

This is a decision on the renewed petition filed November 29, 2004, requesting that the above-identified application be accorded a filing date of October 22, 2003, rather than the presently accorded date of October 23, 2003. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

37 CFR 1.10(d) states,

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

As requested in the Petition Decision mailed on November 5, 2004, petitioner has submitted a copy of the Pick Up Service Statement, showing the date of pickup as "October 22, 2003," which includes Express Mail label No. EL741090883US. The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing

by "Express Mail" and includes a statement of express mailing dated October 22, 2003 on the cover page for the application papers.

In view of the above, it is concluded that the application of Express Mail label No. EL741090883US was deposited as "Express Mail" with the USPS on October 22, 2003.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of October 22, 2003, along with a corrected filing receipt.**

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3206.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Petitions Attorney
Office of Petitions